

**JOHNSON COUNTY, KANSAS LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)
BY-LAWS OF THE LEPC**

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WHEREAS, the Superfund Amendments and Reauthorization Act of 1986 (SARA) was enacted by Congress into law on October 17, 1986, and contains Title III: The Emergency Planning and Community Right-to-Know Act of 1986.

WHEREAS, Title III establishes requirements that federal, state, and local governments and industry must implement regarding emergency planning and community right-to-know reporting on hazardous and toxic chemicals.

WHEREAS, the Kansas Emergency Planning and Community Right-to-Know Act (KEPCRA) of 1987, essentially incorporated Title III into state law.

WHEREAS, pursuant to Title III and KEPCRA, the State Emergency Response Commission designated Johnson County a local emergency planning district and has appointed a local emergency planning committee (LEPC) for Johnson County.

The committee shall include, at a minimum, representatives from each of the following groups or organizations: elected state and local officials; law enforcement, emergency management, fire service, emergency medical service, public health, local environmental, hospital, and transportation officials; broadcast and print media; community groups; and owners and operators of facilities subject to the requirements of Title III. This committee has been named the Johnson County Local Emergency Planning Committee (the Committee).

WHEREAS, pursuant to Title III, the Local Emergency Planning Committee shall appoint a Chairperson and establish rules by which the Committee shall function. Such rules shall include provision for public notification of Committee activities and establish procedures for handling public requests for information.

WHEREAS, pursuant to Title III, the Local Emergency Planning Committee shall develop an emergency plan. This plan must include at least the following:

- Identification of local facilities subject to emergency planning requirements, routes that are likely to be used to transport extremely hazardous substances, and additional facilities that may contribute or be subjected to additional risk due to their proximity to facilities subject to this title, such as hospitals and natural gas facilities
- Methods and procedures to be followed by facility owners and operators, and local emergency and medical personnel in the event of a chemical release
- Designation of a community emergency coordinator to implement the plan and facility emergency coordinators to participate in the planning process
- Procedures providing timely and reliable notification by the facility emergency coordinators and the community emergency coordinator to persons designated in the emergency plan, and to the public, that a release has occurred (consistent with the emergency notification requirements of section 304)
- Methods for determining the occurrence of a release, and the population or area likely to be affected by such release
- A description of emergency equipment and facilities in the community and at each facility in the community subject to this title, and an identification of the persons responsible for such equipment and facilities
- Evacuation plans, including provisions for a precautionary evacuation and alternative traffic routes
- Training programs, including schedules for training of local emergency response and medical personnel

- Methods and schedules for exercising the emergency plan

The Committee must receive opinions and information from members of the public. The Committee may enter into agreements with other governmental entities, advisory boards, committees or councils.

WHEREAS, to meet these goals the Local Emergency Planning Committee for Johnson County has adopted the following bylaws:

ARTICLE I ORGANIZATION

Section 1. Name of Committee.

The name of the Committee shall be the "Johnson County Local Emergency Planning Committee."

Section 2. Status of Committee.

The Committee shall operate as a governmental entity pursuant to and in strict accordance with all applicable laws, regulations, guidelines and ordinances.

Section 3. Mailing Address and Telephone Number.

The official mailing address and telephone number of the Committee shall be:

Local Emergency Planning Committee
c/o Johnson County Emergency Management
111 S. Cherry Street, Suite 100 Olathe, KS 66061-3441
(913) 791-8950 (administration) / 9-1-1 (emergencies)

Section 4. Monies and Appropriations.

The Committee may receive and disburse public and private funds for the purpose of implementing the Emergency Planning and Community Right-to-Know Act of 1986 in Johnson County, Kansas. Such monies shall be deposited with the Johnson County Treasurer and credited to a "separate cost center" within Johnson County and the Johnson County Emergency Management budget.

All disbursements will require prior authorization by the Chairperson by category or specific item. Periodic financial reports will be made to the Committee as required by law or requested by the Committee or Committee Chairperson.

Section 5. Fees.

Reasonable fees may be collected for information provided or services rendered by the Committee. The fees collected shall be as established or recommended by local, state, or federal law, regulation, guideline or ordinance. In the absence of a recommended or required fee, the fee shall be determined by the Chairperson based on the cost of providing the information or service.

Section 6. Minutes of Committee Meetings.

Accurate minutes of all of the meetings of the Committee shall be kept in a journal of the Committee, which shall be maintained for such purpose. Accurate minutes shall include, but not be limited to, a record of attendance at meetings, a record of all votes of the Committee, and a summary of Committee discussions. A copy of the minutes shall be mailed to members at least ten (10) days prior to the next Committee meeting.

Section 7. Agenda for Committee Meetings.

An agenda of each Committee meeting shall be mailed or delivered to Committee members at least ten (10) days prior to the meeting. The agenda for the next meeting may be mailed or delivered at the same time as the minutes of the last meeting.

ARTICLE II OFFICERS

Section 1. Officers.

The Officers of the Committee shall be a Chairperson and a Vice-Chairperson.

Section 2. Chairperson.

The Chairperson shall preside at all meetings of the Committee, be responsible for preserving order and decorum, and submit such recommendations and information as he or she may consider proper concerning the business, affairs, and policies of the Committee.

Except as otherwise authorized by the bylaws or by resolution of the Committee, the Chairperson shall sign, or delegate to the Vice-Chairperson the authority to sign, all official documents of the Committee.

The Chairperson shall establish, or authorize the Vice-Chairperson to establish, any fees collected by the Committee. The Chairperson shall also ensure that an agenda of each Committee meeting is mailed or delivered, as provided by Article I - Section 7.

Section 3. Vice-Chairperson.

The Vice-Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson. In case of the resignation or death of the Chairperson, the Vice-Chairperson shall perform such duties as are imposed on the Chairperson until such time as the Committee shall elect a new Chairperson.

The Vice-Chairperson shall have the authority to sign official documents of the Committee or establish fees to be collected by the Committee pursuant to authority delegated by the Chairperson.

The Vice-Chairperson shall ensure that any information gathered by the Committee, or submitted pursuant to requirements established by the Committee, is stored at the Emergency Management Department, at the address provided in Article I - Section 3. The Vice-Chairperson shall ensure that accurate minutes of the meetings of the Committee are kept and distributed, as provided by Article I - Section 6.

Section 4. Additional Duties.

The officers of the Committee shall perform such other duties and functions as may, from time to time, be required by the Committee or by the laws, bylaws, or rules and regulations governing the Committee.

Section 5. Elections.

An annual election of officers shall be held during the last regular meeting of the year. The term of office shall be for a full calendar year. The officers may be re-elected and serve for successive terms. Election of officers shall proceed in the following order:

- 1) re-nomination of incumbents,
- 2) nomination of new candidates; and
- 3) election.

Those who may vote and run for office are those persons who have been nominated or re-nominated.

Section 6. Vacancies.

Should the office of Chairperson or Vice-Chairperson become vacant, the Committee shall elect a successor from its membership at the next meeting, and such election shall be for the unexpired term of said office.

Section 7. Additional Personnel.

Should funds ever be appropriated to the Committee for this purpose, or for the general use of the Committee, the Committee may employ such personnel as it deems necessary to exercise its powers, duties and functions, as prescribed by federal, state, and local laws. Compensation of such personnel shall be determined by the Committee subject to any applicable laws.

ARTICLE III MEETINGS

Section 1. Regular Meetings.

The Committee shall conduct regular bimonthly meetings (i.e., every other month). To facilitate planning, meetings will normally be scheduled on the second Wednesday of February, April, June, August, October and December.

The exact time and location will be decided by the Chairperson, promulgated well in advance of the meetings (usually 6-12 months) and confirmed in the agenda letter mailed or delivered to each Committee member before the next meeting. The news media shall be informed of meeting dates, times, and places.

Section 2. Special Meetings.

The Chairperson of the Committee may, when it is deemed expedient, and shall, upon the written request of at least two members of the Committee, call a special meeting of the Committee for the purpose of transacting any business of the Committee.

The purpose of the meeting shall be set forth in the call of the meeting and the call may be mailed or delivered to each Committee member and the news media at the address provided to the Committee at least two (2) days prior to such meeting.

At the special meeting, no business shall be considered other than as designated in the call; however, if all of the members of the Committee are present at a special meeting, any item of business may be transacted if the members of the Committee vote unanimously to transact said business.

Section 3. Quorum.

The powers of the Committee shall be vested in the Committee. A minimum of fifty percent (50%) of the total membership of the Committee shall constitute a quorum for the purpose of opening any meeting. At a meeting, action may be taken pursuant to an affirmative vote of a majority of all those present, provided that majority is no less than the number required for a quorum.

Section 4. Order of Business.

At meetings of the Committee, the following shall be the order of business:

- Roll call / Introduction of visitors
- Approval of minutes
- Chairperson's report
- Vice Chairperson's report
- Subcommittee reports
- Presentations / Discussion topics
- Facility forum
- Unfinished business
- New business
- Schedule for next meeting
- Adjournment

Section 5. Manner of Voting.

The voting on all actions coming before the Committee shall be by yeas or nays, or a show of hands, unless a quorum of the Committee decides that a roll call vote be taken on a particular matter. If a roll call vote is approved, the yeas and nays shall be recorded in the minutes of such meeting. An exception to the normal manner of voting will be the election of officers, which will be conducted by a confidential written ballot.

Section 6. Manner of Conducting Meetings.

No standard rules of procedure shall be required unless adopted by a unanimous vote of a quorum of the Committee members. The meetings shall be conducted with order and decorum. The Committee shall follow the procedure determined appropriate by the Chairperson of the Committee, which may include the following:

- No person shall speak unless first recognized by the Chairperson.
- Debate on a matter shall be closed by a motion and second to bring the matter to vote.
- Any member of the Committee may make or second a motion.

Section 7. Participation by Members of the Public.

Members of the public are encouraged to attend all regular and special meetings of the Committee. An opportunity will be provided at each meeting for members of the public to address the Committee on matters relating to local emergency preparedness.

A member of the public who desires to address the Committee may mail a written notice of intent to appear to the Chairperson at the address found in Article I - Section 3.

Members of the public who appear at the meeting and wish to address the Committee will be allowed to do so without prior notice, however, they will be required to wait until after any members of the public who have provided such notice have spoken.

Members of the public are also encouraged to provide written opinions and information to the Committee by mailing written materials to the Chairperson at the address found in Article I - Section 3. Members of the public include, but are not limited to, citizens, industry representatives, experts, expert witnesses and governmental entity representatives.

ARTICLE IV MEMBERSHIP

Section 1. Members.

The members of the Committee shall include, at a minimum, representatives from each of the following groups or organizations: elected State and local officials; law enforcement, emergency management, fire service, first aid, public health, local environmental, hospital, and transportation officials; broadcast and print media; community groups; and owners and operators of facilities subject to the requirements of Title III. All members must be appointed by the State Emergency Response Commission.

Section 2. Term of Membership.

All members shall serve one-year terms on a calendar year basis. There is no limit to the number of terms a member may serve.

Section 3. Attendance at Meetings.

All members of the Committee are required to attend, either in person or by virtue of a designated alternate, at least two-thirds of all regular meetings of the Committee held in any calendar year.

Section 4. Designated Alternates.

Each Committee member will be allowed to name one designated alternate. In the absence of a Committee member, his or her designated alternate may attend Committee meetings and exercise all the rights and privileges of the Committee member he or she represents. Attendance by such a designated alternate will constitute attendance by the Committee member.

Designated alternates must be appropriately qualified to fill the position of the Committee member they represent. The name of each designated alternate must be submitted, in writing, to the Chairperson for approval. The use of designated alternates is intended to make allowance for the busy schedules and occasional travel requirements of Committee members. However, attendance by designated alternates should be the exception, not the rule.

Section 5. Non-designated Alternates.

If neither the Committee member nor designated alternate is available, a non-designated alternate may attend a Committee meeting. Non-designated alternates may take part in discussions of the Committee on behalf of the absent Committee member, but shall not be allowed to move, second, or vote on any matters before the Committee.

Further, the non-designated alternate's attendance shall not count toward determining whether a quorum is present nor will it constitute attendance by the Committee member.

Section 6. Number of Members.

The Committee shall consist of at least 20 and no more than 30 members. Composition of the membership must be consistent with the requirements of Title III.

Section 7. Filling Vacancies and Adding New Members.

Vacancies on the Committee may be filled by persons recommended to the State Emergency Response Commission, which appoints all Committee members.

Vacancies need not be filled unless they reduce the Committee's membership to less than 20 or, because of the vacancy, the Committee will no longer meet any relevant local, state, or federal requirements. Should it be deemed necessary to add new members to the Committee, the procedure shall be the same as for filling vacancies.

Section 8. Yearly Re-nomination and Re-appointment.

At the last regular meeting of the calendar year, all Committee members in good standing and so desiring shall be re-nominated and tentatively re-appointed for the next calendar year, pending State Emergency Response Commission approval. New members shall be nominated and tentatively appointed to fill vacancies within the limits of Article IV - Section 7.

Section 9. Expulsion.

If, at any time, according to attendance records, a Committee member or his or her designated alternate has not attended at least two-thirds of all regular meetings of the Committee in any calendar year, that member may, at the discretion of the majority of the voting members, be subject to expulsion from the Committee.

ARTICLE V SUBCOMMITTEES

Subcommittees.

There will be three standing subcommittees: Operations & Planning, Exercises & Training, and Public Outreach. The Chairperson may, from time to time, establish additional subcommittees and advisory or working groups, to study and report on matters relevant to the Committee.

ARTICLE VI AMENDMENTS

Section 1. Amendments to Bylaws.

The bylaws of the Committee may be amended by an affirmative vote of fifty-one percent (51%) of the total membership of the Committee. No vote shall be taken to amend the bylaws until the proposed amendment has been reduced to writing and read at the meeting at which the proposed amendment is voted upon.

Section 2. Filing of Bylaws and Amendments.

A copy of the bylaws and any amendments to the bylaws shall be provided to: the Board of County Commissioners of Johnson County; the Johnson County, Kansas County Clerk; the State Emergency Response Commission; and any person who requests a copy or copies.